

Union Calendar No. 212

108TH CONGRESS
1ST SESSION

H. R. 1618

[Report No. 108–362]

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2003

Ms. MAJETTE (for herself, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. MARSHALL, and Mr. SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 17, 2003

Additional sponsor: Mr. COLLINS

NOVEMBER 17, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 3, 2003]

A BILL

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Arabia Mountain Na-*
3 *tional Heritage Area Act”.*

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) *FINDINGS.*—Congress finds the following:

6 (1) *The Arabia Mountain area contains a vari-*
7 *ety of natural, cultural, historical, scenic, and rec-*
8 *reational resources that together represent distinctive*
9 *aspects of the heritage of the United States that are*
10 *worthy of recognition, conservation, interpretation,*
11 *and continuing use.*

12 (2) *The best methods for managing the resources*
13 *of the Arabia Mountain area would be through part-*
14 *nerships between public and private entities that com-*
15 *bine diverse resources and active communities.*

16 (3) *Davidson-Arabia Mountain Nature Preserve,*
17 *a 535-acre park in DeKalb County, Georgia—*

18 (A) *protects granite outcrop ecosystems,*
19 *wetland, and pine and oak forests; and*

20 (B) *includes federally-protected plant spe-*
21 *cies.*

22 (4) *Panola Mountain, a national natural land-*
23 *mark, located in the 860-acre Panola Mountain State*
24 *Conservation Park, is a rare example of a pristine*
25 *granite outcrop.*

1 (5) *The archaeological site at Miners Creek Pre-*
2 *serve along the South River contains documented evi-*
3 *dence of early human activity.*

4 (6) *The city of Lithonia, Georgia, and related*
5 *sites of Arabia Mountain and Stone Mountain possess*
6 *sites that display the history of granite mining as an*
7 *industry and culture in Georgia, and the impact of*
8 *that industry on the United States.*

9 (7) *The community of Klondike is eligible for*
10 *designation as a National Historic District.*

11 (8) *The city of Lithonia has 2 structures listed*
12 *on the National Register of Historic Places.*

13 (b) *PURPOSES.—The purposes of this Act are as fol-*
14 *lows:*

15 (1) *To recognize, preserve, promote, interpret,*
16 *and make available for the benefit of the public the*
17 *natural, cultural, historical, scenic, and recreational*
18 *resources in the area that includes Arabia Mountain,*
19 *Panola Mountain, Miners Creek, and other signifi-*
20 *cant sites and communities.*

21 (2) *To assist the State of Georgia and the coun-*
22 *ties of DeKalb, Rockdale, and Henry in the State in*
23 *developing and implementing an integrated cultural,*
24 *historical, and land resource management program to*

1 *protect, enhance, and interpret the significant re-*
 2 *sources within the heritage area.*

3 **SEC. 3. DEFINITIONS.**

4 *For the purposes of this Act, the following definitions*
 5 *apply:*

6 (1) *HERITAGE AREA.*—*The term “heritage area”*
 7 *means the Arabia Mountain National Heritage Area*
 8 *established by section 4.*

9 (2) *MANAGEMENT ENTITY.*—*The term “manage-*
 10 *ment entity” means the Arabia Mountain Heritage*
 11 *Area Alliance or a successor of the Arabia Mountain*
 12 *Heritage Area Alliance.*

13 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 14 *ment plan” means the management plan for the her-*
 15 *itage area developed under section 6.*

16 (4) *SECRETARY.*—*The term “Secretary” means*
 17 *the Secretary of the Interior.*

18 (5) *STATE.*—*The term “State” means the State*
 19 *of Georgia.*

20 **SEC. 4. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

21 (a) *ESTABLISHMENT.*—*There is established the Arabia*
 22 *Mountain National Heritage Area in the State.*

23 (b) *BOUNDARIES.*—*The heritage area shall consist of*
 24 *certain parcels of land in the counties of DeKalb, Rockdale,*
 25 *and Henry in the State, as generally depicted on the map*

1 *entitled “Arabia Mountain National Heritage Area”, num-*
 2 *bered AMNHA/80,000, and dated October, 2003.*

3 *(c) AVAILABILITY OF MAP.—The map shall be on file*
 4 *and available for public inspection in the appropriate of-*
 5 *fices of the National Park Service.*

6 *(d) MANAGEMENT ENTITY.—The Arabia Mountain*
 7 *Heritage Area Alliance shall be the management entity for*
 8 *the heritage area.*

9 **SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
 10 **ENTITY.**

11 *(a) AUTHORITIES.—For purposes of developing and*
 12 *implementing the management plan, the management enti-*
 13 *ty may—*

14 *(1) make grants to, and enter into cooperative*
 15 *agreements with, the State, political subdivisions of*
 16 *the State, and private organizations;*

17 *(2) hire and compensate staff; and*

18 *(3) enter into contracts for goods and services.*

19 *(b) DUTIES.—*

20 *(1) MANAGEMENT PLAN.—*

21 *(A) IN GENERAL.—The management entity*
 22 *shall develop and submit to the Secretary the*
 23 *management plan.*

24 *(B) CONSIDERATIONS.—In developing and*
 25 *implementing the management plan, the man-*

1 *agement entity shall consider the interests of di-*
2 *verse governmental, business, and nonprofit*
3 *groups within the heritage area.*

4 (2) *PRIORITIES.*—*The management entity shall*
5 *give priority to implementing actions described in the*
6 *management plan, including assisting units of gov-*
7 *ernment and nonprofit organizations in preserving*
8 *resources within the heritage area.*

9 (3) *PUBLIC MEETINGS.*—*The management entity*
10 *shall conduct public meetings at least quarterly on the*
11 *implementation of the management plan.*

12 (4) *ANNUAL REPORT.*—*For any year in which*
13 *Federal funds have been made available under this*
14 *Act, the management entity shall submit to the Sec-*
15 *retary an annual report that describes the following:*

16 (A) *The accomplishments of the manage-*
17 *ment entity.*

18 (B) *The expenses and income of the man-*
19 *agement entity.*

20 (5) *AUDIT.*—*The management entity shall—*

21 (A) *make available to the Secretary for*
22 *audit all records relating to the expenditure of*
23 *Federal funds and any matching funds; and*

24 (B) *require, with respect to all agreements*
25 *authorizing expenditure of Federal funds by*

1 *other organizations, that the receiving organiza-*
2 *tions make available to the Secretary for audit*
3 *all records concerning the expenditure of those*
4 *funds.*

5 *(c) USE OF FEDERAL FUNDS.—*

6 *(1) IN GENERAL.—The management entity shall*
7 *not use Federal funds made available under this Act*
8 *to acquire real property or an interest in real prop-*
9 *erty.*

10 *(2) OTHER SOURCES.—Nothing in this Act pre-*
11 *cludes the management entity from using Federal*
12 *funds made available under other Federal laws for*
13 *any purpose for which the funds are authorized to be*
14 *used.*

15 **SEC. 6. MANAGEMENT PLAN.**

16 *(a) IN GENERAL.—The management entity shall de-*
17 *velop a management plan for the heritage area that incor-*
18 *porates an integrated and cooperative approach to protect,*
19 *interpret, and enhance the natural, cultural, historical, sce-*
20 *nic, and recreational resources of the heritage area.*

21 *(b) BASIS.—The management plan shall be based on*
22 *the preferred concept in the document entitled “Arabia*
23 *Mountain National Heritage Area Feasibility Study”,*
24 *dated February 28, 2001.*

1 (c) *CONSIDERATION OF OTHER PLANS AND AC-*
2 *TIONS.—The management plan shall—*

3 (1) *take into consideration State and local plans;*
4 *and*

5 (2) *involve residents, public agencies, and pri-*
6 *vate organizations in the heritage area.*

7 (d) *REQUIREMENTS.—The management plan shall in-*
8 *clude the following:*

9 (1) *An inventory of the resources in the heritage*
10 *area, including—*

11 (A) *a list of property in the heritage area*
12 *that—*

13 (i) *relates to the purposes of the herit-*
14 *age area; and*

15 (ii) *should be preserved, restored, man-*
16 *aged, or maintained because of the signifi-*
17 *cance of the property; and*

18 (B) *an assessment of cultural landscapes*
19 *within the heritage area.*

20 (2) *Provisions for the protection, interpretation,*
21 *and enjoyment of the resources of the heritage area*
22 *consistent with the purposes of this Act.*

23 (3) *An interpretation plan for the heritage area.*

24 (4) *A program for implementation of the man-*
25 *agement plan that includes—*

1 (A) actions to be carried out by units of
 2 government, private organizations, and public-
 3 private partnerships to protect the resources of
 4 the heritage area; and

5 (B) the identification of existing and poten-
 6 tial sources of funding for implementing the
 7 plan.

8 (5) A description and evaluation of the manage-
 9 ment entity, including the membership and organiza-
 10 tional structure of the management entity.

11 (e) *SUBMISSION TO SECRETARY FOR APPROVAL.*—

12 (1) *IN GENERAL.*—Not later than 3 years after
 13 the date of the enactment of this Act, the management
 14 entity shall submit the management plan to the Sec-
 15 retary for approval.

16 (2) *EFFECT OF FAILURE TO SUBMIT.*—If a man-
 17 agement plan is not submitted to the Secretary by the
 18 date specified in paragraph (1), the Secretary shall
 19 not provide any additional funding under this Act
 20 until such date as a management plan for the herit-
 21 age area is submitted to the Secretary.

22 (f) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
 23 *PLAN.*—

24 (1) *IN GENERAL.*—Not later than 90 days after
 25 receiving the management plan submitted under sub-

1 *section (e), the Secretary, in consultation with the*
2 *State, shall approve or disapprove the management*
3 *plan.*

4 (2) *ACTION FOLLOWING DISAPPROVAL.—*

5 (A) *REVISION.—If the Secretary dis-*
6 *approves a management plan submitted under*
7 *paragraph (1), the Secretary shall—*

8 (i) *advise the management entity in*
9 *writing of the reasons for the disapproval;*

10 (ii) *make recommendations for revi-*
11 *sions to the management plan; and*

12 (iii) *allow the management entity to*
13 *submit to the Secretary revisions to the*
14 *management plan.*

15 (B) *DEADLINE FOR APPROVAL OF REVI-*
16 *SION.—Not later than 90 days after the date on*
17 *which a revision is submitted under subpara-*
18 *graph (A)(iii), the Secretary shall approve or*
19 *disapprove the revision.*

20 (g) *REVISION OF MANAGEMENT PLAN.—*

21 (1) *IN GENERAL.—After approval by the Sec-*
22 *retary of a management plan, the management entity*
23 *shall periodically—*

24 (A) *review the management plan; and*

1 (B) submit to the Secretary, for review and
2 approval by the Secretary, the recommendations
3 of the management entity for any revisions to
4 the management plan that the management enti-
5 ty considers to be appropriate.

6 (2) *EXPENDITURE OF FUNDS.*—No funds made
7 available under this Act shall be used to implement
8 any revision proposed by the management entity
9 under paragraph (1)(B) until the Secretary approves
10 the revision.

11 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.**

12 (a) *IN GENERAL.*—At the request of the management
13 entity, the Secretary may provide technical and financial
14 assistance to the heritage area to develop and implement
15 the management plan.

16 (b) *PRIORITY.*—In providing assistance under sub-
17 section (a), the Secretary shall give priority to actions that
18 facilitate—

19 (1) the conservation of the significant natural,
20 cultural, historical, scenic, and recreational resources
21 that support the purposes of the heritage area; and

22 (2) the provision of educational, interpretive,
23 and recreational opportunities that are consistent
24 with the resources and associated values of the herit-
25 age area.

1 **SEC. 8. EFFECT ON CERTAIN AUTHORITY.**

2 (a) *OCCUPATIONAL, SAFETY, CONSERVATION, AND EN-*
3 *VIRONMENTAL REGULATION.*—*Nothing in this Act—*

4 (1) *imposes an occupational, safety, conserva-*
5 *tion, or environmental regulation on the heritage area*
6 *that is more stringent than the regulations that would*
7 *be applicable to the land described in section 4(b) but*
8 *for the establishment of the heritage area by section*
9 *4; or*

10 (2) *authorizes a Federal agency to promulgate*
11 *an occupational, safety, conservation, or environ-*
12 *mental regulation for the heritage area that is more*
13 *stringent than the regulations applicable to the land*
14 *described in section 4(b) as of the date of enactment*
15 *of this Act, solely as a result of the establishment of*
16 *the heritage area by section 4.*

17 (b) *LAND USE REGULATION.*—*Nothing in this Act—*

18 (1) *modifies, enlarges, or diminishes any author-*
19 *ity of the Federal Government or a State or local gov-*
20 *ernment to regulate any use of land as provided for*
21 *by law (including regulations) in existence on the*
22 *date of enactment of this Act; or*

23 (2) *grants powers of zoning or land use to the*
24 *management entity.*

1 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE PROP-**
 2 **ERTY.**

3 (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*
 4 *ERS REQUIRED.*—No privately owned property shall be pre-
 5 served, conserved, or promoted by the management plan for
 6 the Heritage Area until the owner of that private property
 7 has been notified in writing by the management entity and
 8 has given written consent for such preservation, conserva-
 9 tion, or promotion to the management entity.

10 (b) *LANDOWNER WITHDRAW.*—Any owner of private
 11 property included within the boundary of the Heritage Area
 12 shall have their property immediately removed from the
 13 boundary by submitting a written request to the manage-
 14 ment entity.

15 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

16 (a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this
 17 Act shall be construed to—

18 (1) *require any private property owner to allow*
 19 *public access (including Federal, State, or local gov-*
 20 *ernment access) to such private property; or*

21 (2) *modify any provision of Federal, State, or*
 22 *local law with regard to public access to or use of pri-*
 23 *ivate property.*

24 (b) *LIABILITY.*—Designation of the Heritage Area
 25 shall not be considered to create any liability, or to have
 26 any effect on any liability under any other law, of any pri-

1 vate property owner with respect to any persons injured
2 on such private property.

3 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
4 *USE.*—Nothing in this Act shall be construed to modify the
5 authority of Federal, State, or local governments to regulate
6 land use.

7 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
8 *IN HERITAGE AREA.*—Nothing in this Act shall be con-
9 strued to require the owner of any private property located
10 within the boundaries of the Heritage Area to participate
11 in or be associated with the Heritage Area.

12 (e) *EFFECT OF ESTABLISHMENT.*—The boundaries
13 designated for the Heritage Area represent the area within
14 which Federal funds appropriated for the purpose of this
15 Act may be expended. The establishment of the Heritage
16 Area and its boundaries shall not be construed to provide
17 any nonexisting regulatory authority on land use within
18 the Heritage Area or its viewshed by the Secretary, the Na-
19 tional Park Service, or the management entity.

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.*—There is authorized to be appro-
22 priated to carry out this Act \$10,000,000, to remain avail-
23 able until expended, of which not more than \$1,000,000
24 may be used in any fiscal year.

1 (b) *FEDERAL SHARE.*—*The Federal share of the cost*
2 *of any project or activity carried out using funds made*
3 *available under this Act shall not exceed 50 percent.*

4 ***SEC. 12. TERMINATION OF AUTHORITY.***

5 *The authority of the Secretary to make any grant or*
6 *provide any assistance under this Act shall terminate on*
7 *September 30, 2016.*

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[Report No. 108-362]

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